

## **REMARKS**

Claims 20-29 are now pending in this application. Claims 1-19 have been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4, 7-11 and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bentley (U.S. Pat. No. 4,971,130, hereinafter "Bentley") in view of Campbell (U.S. Pat. No. 6,865,850, hereinafter "Campbell"). Applicants note that each of the rejected claims has been cancelled and claims 20-29 have been added for the Examiner's consideration.

Applicant notes that claims 9 and 10 have been merged and rewritten as claim 20. Specifically, claim 20 includes the limitations of "a panel having a plurality of pre-sized body portions separated by a plurality of seam portions, each pre-sized body portion including a sealing side, a first longitudinal edge portion, and a second longitudinal edge portion, wherein said plurality of body portions are detachable from said panel at said plurality of seam portions, whereby said body portions are made detachable by perforations along each seam portion." Applicant notes that no mention can be found of specific rationale for the rejection of claims 9 and 10 with regards to the detachable plurality of body portions in the current office action.

Applicant notes that neither Bentley nor Campbell teaches the manufacture of repeated panels of its invention on a single panel. Applicant further notes that neither aforementioned patent teaches separating detachable sections by perforations.

Claim 20 describes “a plurality of pre-sized body portions separated by a plurality of seam portions... wherein said plurality of body portions are detachable from said panel at said plurality of seam portions.” The detachable body portions permit a user to possess multiple panels of the door or window seal at a construction site and deploy individual panels as needed without having to organize or stack several single panels at said construction site. Said embodiment is also easier to manufacture, ship, and store prior to use at the construction site.

Because this invention utilizes elements not taught by either Bentley or Campbell, allowance of claim 20 is respectfully requested.

#### **Claim 24**

Applicant notes claim 4 has been rewritten as independent claim 24. Applicant notes that Bentley describes a pocket upon its device that serves a function of thermal insulation. This pocket, as claimed in Bentley claim 1(C)(5), is defined as the area underneath the flap (52) in the area between the zipper seal and the hook and loop seal. Looking at Figure 4, this pocket can be described as the area between the dotted line (46) and the outer edge of the solid square depicting the edge of the flap. The resulting pocket is a thin hollow square pocket that follows the triple seal around the perimeter of the Bentley invention. Reducing heat loss through a given window can be accomplished in a number of ways: one way is by reducing the flow of cold air across the window threshold; another is to increase the R-value of the window threshold to decrease the amount of heat conducted through the opening. Examining the pocket on the Bentley invention as described by Bentley claim 1(C)(5), the pocket resembles in shape and function the zipper flap on a typical winter coat, serving to reduce air leaks

across the zipper. This sealing against air leaks reduces heat loss through the window opening by the first method described above: by reducing the amount of cold air allowed to flow into the room. In contrast, the chamber as described by claim 24 and depicted in Figure 3 creates a pocket of trapped matter across substantially the entire face of this device. This chamber can be likened to putting more padding throughout a winter coat. The chamber described by claim 24 accomplishes reduced heat loss by the second method described above: by the reduction of heat transfer by conduction through the window opening. The small pocket formed around the perimeter of the Bentley device does not have the same characteristics as the chamber formed across the panel of this invention.

The Bentley invention does accomplish the task of reducing conducted heat through the window opening: it does trap an air gap between the weather seal and the window, thereby increasing the R-value across the window opening, similar to the function of a storm window. However, Applicant notes that this air gap created between the Bentley weather seal and the window is unrelated to the chamber created by the device of claim 24. Claim 24 requires “[a pre-sized panel], wherein said pre-sized panel includes a sealing wall and a working wall forming a chamber therebetween”. Applicant submits that the air gap formed between the weather seal and the window in the Bentley patent does not form a chamber within the device and by the device alone and, therefore, does not anticipate the chamber created by claim 24.

Applicant also notes that those skilled in the art of sound deadening will note that many of the same properties that increase R-value also tend to increase the sound deadening properties of a partition, especially in low frequency or “deep” tones, such as

those found in construction sites. This is accomplished by a large stationary mass intervening between the source of the deep tone and the listener. Higher pitched noises tend to be deadened by cutting the air path between the source of the noise and the listener. While a zipper seal, such as one described in the pocket design in the Bentley patent, may reduce the amount of high pitched sound that gets through the barrier, the pocket created by Bentley does little to increase the mass of trapped matter between a source of deep tones and a listener. The chamber created by the sealing wall and working wall of claim 24 traps a significantly larger mass of matter and therefore would be significantly more effective than the Bentley device at blocking construction-type noises.

The characteristics of the Bentley pocket and the chamber created by claim 24 are entirely different: Bentley's pocket serves to seal air leaks across the zipper and only increases the R-value for the entire seal incidentally in a minimal fashion; claim 24 creates a chamber that greatly increases the R-value across substantially the entire partition. Therefore, allowance of claim 24 is respectfully requested.

Applicants submit that claims 21-23 and 25-29 should be allowable for the same reasons as claims 20 and 24, as discussed above. Applicants further note that claims 27 and 28 correspond to allowed claims 5 and 6 and, therefore, should be allowable.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, and rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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